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09/661,841	09/14/2000	Graham S. Tubbs	042390.P9741	1651

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EXAMINER

PATEL, NIKETA I

ART UNIT PAPER NUMBER

2181

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/661,841
Filing Date: September 14, 2000
Appellant(s): TUBBS ET AL.

Rita M. Wisor (Reg. No. 41,382)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/02/2006 appealing from the Office action mailed June 2, 2005.

Art Unit: 2181

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

FW= 5/1/2006
A. Whether the Examiner ^{erred}~~erred~~ in rejecting independent Claim 1 under 35 U.S.C. 102(b) as being anticipated by Isikoff, U.S. Pat. No. 5,748,084 (hereinafter Isikoff)

B. Whether the Examiner erred in rejecting independent 11 35 U.S.C. 102(b) as being anticipated by Isikoff, U.S. Pat. No. 5,748,084 (hereinafter Isikoff)

C. Whether the Examiner erred in rejecting Claim 18 35 U.S.C. 102(b) as being anticipated by Isikoff, U.S. Pat. No. 5,748,084 (hereinafter Isikoff)

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Applicant's arguments regarding the rejection of claims

Art Unit: 2181

1-17 under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, are ^{persuasive} ~~pervasive~~ and therefore the rejection of claims 1-17 under 35 U.S.C § 112, second paragraph, is withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,748,084

ISIKOFF

5-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 6-12, 14-17 are rejected under 35 U.S.C. § 102(b) and claims 4-5 and 13 are rejected under 35 U.S.C § 103(a). The rejection is set forth in the final Office Action mailed 06/02/2005. Examiner has parsed each limitation of the independent claims in the application and mapped it to the respective reference of the prior art reference U.S. Patent No.: 5,748,084 to Isikoff (hereinafter Isikoff) in the table below.

<i>Claim language</i>	<i>Prior Art to Isikoff</i>	<i>Examiner Comments</i>
<u>Claim 1 :</u> A mobile communication device comprising:	Figure 1, element 100 shows a beacon equipped laptop computer; column 3, lines 5-7 states that the laptop is configured for operating within a terrestrial cellular network.	Examiner interprets the laptop as the mobile communication device
a first processor adapted to execute a user application;	Figure 4, element 'Processor'; figure 4 is detailed description of the laptop computer of figure 1; column 5, lines 54-56, faxes and e-mail applications	Laptop has a processor which is used to execute various applications such as fax and email

Art Unit: 2181

a second processor adapted to process a wireless communication,	Figure 3, element 30 and column 5, lines 20-22, which states that the Beacon receives signals through the antenna (figure 3, 60) by the cellular transceiver circuitry (figure 3, 10) and column 5, lines 26-28, the wireless modes of operation include an incoming voice telephone call, an incoming fax and incoming data modem call or an incoming CDPD packet	Examiner interprets the microprocessor of the beacon subsystem to be the second processor, which is used for wireless communications since the microprocessor uses cellular transceiver for communication; figure 3 is detailed description of the Beacon 101 shown in figure 4
wherein the second processor is capable of initiating the wireless communication independently of the first processor; and	Column 5, lines 45-49 which states that the in the event of an incoming data or fax call the microprocessor instructs the data modem to connect and then wait for the modem to produce data	Examiner interprets the 'incoming call' as 'wireless communication' since it is one of the wireless modes of operation stated in column 5, lines 26-28 and since the microprocessor (figure 3, 30) instructs the data modem to connect with out any involvement from the processor (figure 4, processor) the examiner construes that the second processor is capable of initiating the wireless communication independently of the first processor
an input port coupled to the first processor and the second processor;	Figure 3, element 10	The transceiver is coupled to the microprocessor (figure 3) and the processor (figure 4)
wherein the input port to supply data to the second processor for the wireless communication.	column 5, lines 20-26, the transceiver receives incoming data and column 3, lines 5-12, 'calling party'	The incoming data is sent from a user of the wireless network (the calling party – see column 3, lines 5-12), which is received by the transceiver
<u>Claim 11:</u> A mobile communication device comprising:	Figure 1, element 100 shows a beacon equipped laptop computer; column 3, lines 5-7 states that the laptop is configured for operating	Examiner interprets the laptop as the mobile communication device

Art Unit: 2181

	within a terrestrial cellular network.	
a non-volatile memory;	Figure 4, element 102	Examiner interprets the hard drive to the non-volatile memory since the hard drive does not lose data when the power is turned off
an input port to receive data from a user;	Figure 3, element 10; the calling party, column 3, lines 5-12, represents the user	The incoming data is sent from a user of the wireless network (the calling party – see column 3, lines 5-12), which is received by the transceiver
an application subsystem coupled to the input port; and	Figure 4, elements 102, PROCESSOR, 104, 108 and column 4, lines 14-19	These elements represent a subsystem which executes fax and email applications there for the examiner construes combination of these elements as an application subsystem; these elements are connected to the elements 10, 30, 40 of figure 3; figure 3 is detailed description of the Beacon 101 shown in figure 4
a wireless subsystem coupled to the input port and to the non-volatile memory;	Figure 3, elements 20, 30, 40, 45 (represents wireless subsystem); figure 3, element 10 (input port); figure 4, element 102 (non-volatile memory)	Figure 3 and 4 shows that these elements are coupled to one another
wherein the wireless subsystem to initiate a wireless communication with the data from the user independent of the application subsystem.	Column 5, lines 45-49 which states that in the event of an incoming data or fax call the microprocessor instructs the data modem to connect and then wait for the modem to produce data; column 5, lines 20-26, the transceiver receives incoming data	Examiner interprets the 'incoming call' as 'wireless communication' since it is one of the wireless modes of operation stated in column 5, lines 26-28 and since the microprocessor (figure 3, 30) instructs the data modem to connect without any involvement from the processor (figure 4, processor) the examiner construes that the second processor initiates the wireless communication

Art Unit: 2181

		independently of the first processor; the incoming data is sent from a user of the wireless network (the calling party – see column 3, lines 5-12), which is received by the transceiver
Claim 18: A method for processing a communication comprising: providing data to an application subsystem from a user through an input port;	Column 5, lines 59-66, 'remaining data'; Figure 4, elements 102, PROCESSOR, 104, 108 and column 4, lines 14-19	Examiner interprets remaining data that is being passed to the laptop as being the data provided to the application subsystem; these elements represent a subsystem which executes fax and email applications there for the examiner construes combination of these elements as an application subsystem; these elements are connected to the elements 10, 30, 40 of figure 3; figure 3 is detailed description of the Beacon 101 shown in figure 4
and providing other data to a wireless subsystem from the user	Column 5, lines 59-66, 'low-level beacon control commands'; Figure 3, elements 20, 30, 40, 45 (represents wireless subsystem); figure 3, element 10 (input port); the calling party, column 3, lines 5-12, represents the user	Examiner interprets the low-level beacon control commands as the other data provided to a wireless subsystem from a user of the wireless network (the calling party – see column 3, lines 5-12);
through the input port to initiate a wireless communication independent of the application subsystem	Column 5, lines 45-66 which states that the in the event of an incoming data or fax call the microprocessor instructs the data modem to connect and then wait for the modem to produce data; column 5, lines 20-26, the transceiver receives incoming data	Examiner interprets the 'incoming call' as 'wireless communication' since it is one of the wireless modes of operation stated in column 5, lines 26-28 and since the microprocessor (figure 3, 30) instructs the data modem to connect with out any involvement from the processor (figure 4, processor)

Art Unit: 2181

		the examiner construes that the second processor initiates the wireless communication independently of the first processor; the incoming data is sent from a user of the wireless network, which is received by the transceiver
the wireless subsystem and the application subsystem being within a mobile communication device.	Column 3, lines 5-7 and figure 1, element 100 shows a laptop computer	Laptop computer equipped with a beacon is construed to be the mobile communication device.
<i>Although, the Appellant did not argue the dependent claims, Examiner has provided the listing of the dependent claims rejection as set forth in the final Office Action, below:</i>		
Claim 2 , the mobile communication device further comprising a display, wherein the first processor and the second processor are further adapted to display information on the display [see figure 4, element 100, 'Display interface' and figure 1, element 100.]		
Claim 3 , the mobile communication device further comprising an interface adapted to couple the first processor to the second processor [see figure 4, elements 108, 'PROCESSOR,' 101.]		
Claim 4 , a mobile communication device [see figure 1, element 100] however, does not set forth the limitation of wherein the interface comprises a Peripheral Components Interface bus. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of multiplexing, a technique that permits more than one electrical signal to be present on the bus at one time. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a Peripheral Components Interface bus to get this advantage.		
Claims 5 and 13 , a mobile communication device [see figure 1, element 100] however, does not set forth the limitation of wherein the interface comprises a serial bus. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of replacing the PC cable clutter by using a serial bus. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a serial bus to get this advantage.		
Claim 6 , the mobile communication device wherein the interface is adapted to provide the second processor user data from the input port [see column 3, lines 5-29.]		
Claim 7 , the mobile communication device further comprising: a first memory coupled to the first processor [see figure 4, element 102, 'DISK or CD Drive'] and a second memory coupled to the second processor [see figure 3, element 'Memory'.]		
Claim 8 , the mobile communication device further comprising: a first power source coupled the first processor [see figure 4, element 104]; and a second power source coupled to the second processor [see figure 3, element 25.]		
Claim 9 , the mobile communication device wherein the second processor comprises a digital signal processor [see figure 3, element 30.]		
Claim 10 , the mobile communication device wherein the first processor is further adapted to		

execute a user application independently of the second processor [see column 3, lines 5-29.]
Claim 12 , the mobile communication device further comprising an interface to couple the application subsystem to the wireless subsystem [see figure 4, elements 'PROCESSOR,' 101.]
Claim 14 , the mobile communication device wherein the wireless subsystem comprises a digital signal processor [see figure 3, element 30.]
Claim 15 , the mobile communication device wherein the wireless subsystem further comprises a transmitter and receiver [see figure 3, element 10.]
Claim 16 , the mobile communication device wherein the application subsystem is adapted to execute a user application and process data provided with the input port [see column 3, lines 5-29.]
Claim 17 , the mobile communication device wherein the interface couples the wireless subsystem to the input port [see figure 4, elements 101, 112.]
Claim 19 , the method wherein providing data to the application subsystem includes providing data through an interface [see figure 4, element 112.]
Claim 20 , the method wherein providing data to the wireless subsystem includes providing data through an interface [see figure 4, element 112.]
Claim 21 , the method further comprising executing an application with the application subsystem independently of the wireless subsystem [see column 3, lines 5-29.]

(10) Response to Argument

Issue 1: Appellant argues that Isikoff at least fails to teach “wherein the second processor is capable of initiating the wireless communication independently of the first processor...wherein the input port is configured to supply data to the second processor for the wireless communication” as recited in Claim 1.

Examiner's response to Issue 1: The examiner respectfully disagrees with this argument. Isikoff teaches that the second processor (figure 3, element 30 'microprocessor') is capable of initiating the wireless communication independently of the first processor (figure 4, 'processor')...wherein the input port (figure 3, element 10) is configured to supply data (incoming data/fax call or external communication received from the calling party) to the second processor for the wireless communication at column 5, lines 45-66.

Art Unit: 2181

Examiner would like to emphasize that the claimed language of ‘*initiating the wireless communication,*’ only warrants that the wireless communication be initiated(started) independently of the first processor. This limitation does not require that the entire wireless communication be carried out independently of the first processor. Isikoff teaches that, in the event of an incoming data or fax call, from the calling party, *the microprocessor instructs the data modem to connect* and then waits for the modem to produce data, i.e., the initiation of the wireless communication is started by the microprocessor of the Beacon without the involvement of the Processor of the laptop, upon receipt of data of fax from calling party.

The appellant appears to imply that the wireless communication is to be interpreted as sending wireless data/signals. Examiner respectfully disagrees with this implication. Broadest reasonable interpretation of the term ‘*wireless communication*’ is both **sending and/or receiving** wireless data/signals. Isikoff teaches to receive wireless data/signals, therefore teaches the limitation of ‘wireless communication’.

Furthermore, the claim recites that **the second processor is capable of initiating the wireless communication**. Therefore the initiation of the wireless communication is not positively claimed. The term ‘capable’ only requires that the second processor has the ability of initiating a wireless communication.

Issue 2: Appellant argues that Isikoff at least fails to teach “wherein the wireless subsystem is configured to initiate a wireless communication with the data from the user independent of the application subsystem” as recited in Claim 11.

Art Unit: 2181

Examiner's response to Issue 2: As illustrated above, Isikoff teaches at column 5, lines 45-66, initiating a wireless communication (incoming data or fax call) with the data from the user (the calling party) independently of the application subsystem.

Issue 3: Appellant argues that Isikoff at least fails to teach "providing other data to a wireless subsystem from the user through the input port to initiate a wireless communication independent of the application subsystem" as recited in Claim 18.

Examiner's response to Issue 3: As illustrated above, Isikoff teaches at column 5, lines 45-66, providing other data (low-level beacon control commands) to a wireless subsystem (Figure 3, elements 20, 30, 40, 45 represents wireless subsystem) from the user (calling party) through the input port to initiate a wireless communication independent of the application subsystem.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Examiner Niketa I. Patel
April 28, 2006

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